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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,132	03/10/2004	Akihiro Mizutani	043118-0143	2059
22428 7590 07/23/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER LANIER, BENJAMIN E	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,132	<b>Applicant(s)</b> MIZUTANI, AKIHIRO	
	<b>Examiner</b> Benjamin E. Lanier	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 7-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7-12 are to computer software. "Functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component." (MPEP 2106). When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Seroussi, U.S. Patent No. 6,836,843. Referring to claims 1, 7, Seroussi discloses an access control system using badge personal identification wherein when a user with a personal identification badge

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approaches a computer, the badge detects login signal that is periodically sent out by the computer (Col. 6, lines 46-52). The badge transmits a user id, stored on the badge, to the computer (Col. 8, lines 35-37). The computer receives the user id and authenticates the user for access by comparing the user id with a list of authorized ids (Col. 7, lines 50-59 & Col. 8, lines 39-44, 54-59), which meets the limitation of a user authentication section that acquires ID information to identify each user from among a plurality of users, and performs user authentication based on said ID information. The badge also contains user permissions used by the computer when user is provided access to the system (Col. 4, lines 40-46), which meets the limitation of a personal operation mode to permit each user to operate individually. If the authorized user is physically away from the computer for a predetermined period of time, the computer logs the user off, and enters a ready mode (Col. 9, lines 12-21) that allows for a new user to login to the computer in same manner as the other user (Col. 6, lines 9-13, 46-52). which meets the limitation of an operation mode setting section that can selectively set, as an operation mode that sets a work environment for operation inputs, between an personal operation mode to permit each user to operate individually and a public operation mode to permit an indefinite number of users to operate, a mode switching section that, when a user is authenticated in said user authentication section, switches said operation mode from said public operation mode into said personal operation mode for the authenticated user.

Referring to claims 2, 8, Seroussi discloses that if the authorized user is physically away from the computer for a predetermined period of time, the computer logs the user off, and enters a ready mode (Col. 9, lines 12-21) that allows for a new user to login to the computer in same manner as the other user (Col. 6, lines 9-13, 46-52), which meets the limitation of said mode

switching section switches said operation mode from said personal operation mode into said public operation mode based on a prescribed condition with the state that a current operation mode is set to said personal operation mode.

Referring to claims 3, 9, Seroussi discloses that once logged in the user badge receives challenges from the computer that includes a counter and random number (Col. 9, lines 1-12). The badge responds to the challenge with an incremented counter value and the random number (Col. 9, lines 21-26), which meets the limitation of ID information because the counter/random number combination is sufficient to identify the user whom the challenge was initially sent. If the computer does not receive a challenge within a predetermined period of time, the computer logs the user off, and enters a ready mode (Col. 9, lines 12-21) that allows for a new user to login to the computer in same manner as the other user (Col. 6, lines 9-13, 46-52), which meets the limitation of when ID information is not required for a period of time longer than a predetermined time in said user authentication section, said mode switching section switches said operation mode from said personal operation mode into said public operation mode with the state that a current operation mode is set to said personal operation mode.

Referring to claims 4, 10, Seroussi discloses that if the authorized user is physically away from the computer for a predetermined period of time, the computer logs the user off, and enters a ready mode (Col. 9, lines 12-21) that allows for a new user to login to the computer in same manner as the other user (Col. 6, lines 9-13, 46-52), which meets the limitation of a human body detection section that detects a user located in the vicinity of said image processing apparatus, wherein when a human body has not been detected by said human body detection section for a period of time longer than a predetermined time, said mode switching section switches said

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operation mode from said personal operation mode into said public operation mode with the state that a current operation mode is set to said personal operation mode.

Referring to claims 5, 11, Seroussi discloses that the badge also contains user permissions used by the computer when user is provided access to the system (Col. 4, lines 40-46), which meets the limitation of a setting information acquisition section that acquires setting information associated with each user, wherein said operation mode setting section sets said personal operation mode based on said setting information associated with the user authenticated in said user authentication section.

Referring to claims 6, 12, Seroussi discloses that the badge transmits a user id, stored on the badge, to the computer (Col. 8, lines 35-37). The computer receives the user id and authenticates the user for access by comparing the user id with a list of authorized ids (Col. 7, lines 50-59 & Col. 8, lines 39-44, 54-59), which meets the limitation of said ID information cooperates with login IDs in a network that can be connected to said image processing apparatus, where said image processing apparatus further comprises a personal information processing section that performs the processing of personal information relevant to the users corresponding to said ID information existing on said network based on said ID information.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lowensohn, U.S. Patent No. 7,069,444

Smith, U.S. Patent No. 6,778,066

Smith, U.S. Patent No. 6,774,796

Xydis, U.S. Patent No. 6,307,471

Lopes, U.S. Patent No. 6,189,105

Xydis, U.S. Patent No. 6,070,240

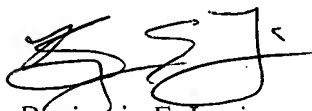
De la Huerga, U.S. Patent No. 5,960,085

Schmitt, U.S. Patent No. 5,903,225

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Benjamin E. Lanier